

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

STEVE KYZIMA,  
Plaintiff,

v.

Case No. 4:15-CV-13202  
District Judge Linda V. Parker  
Magistrate Judge Anthony P. Patti

LOTUS ENGINEERING, INC.,  
Defendant.

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**ORDER GRANTING DEFENDANT'S MOTION TO COMPEL  
DISCOVERY (DE 11)**

Defendant filed a motion to compel discovery on December 3, 2015, asserting that Plaintiff had failed to respond to its first set of interrogatories and first set of requests for production of documents, which were served on October 5, 2015. (DE 11.) The matter came before me for a telephonic conference on December 17, 2015.

During the conference, counsel for Plaintiff indicated that he provided responses to the interrogatories and emailed a PDF of the documents he intended to produce to opposing counsel that morning. Counsel for Plaintiff noted that he would create a document tying together Defendant's requests with the documents produced in the PDF and would be able to get his client's signature by Monday,

December 21, 2015. Defendant countered that the responses to interrogatories were incomplete because they contained objections, which Plaintiff waived by failing to make timely objections pursuant to Federal Rule of Civil Procedure 33.

Defendant's first set of interrogatories and requests for production of documents were served on Plaintiff on October 5, 2015. (DE 11-2 and 11-3.) Plaintiff provided a partial response on December 17, 2015, more than two months later. By failing to respond and object within the timeframe allowed under the Rules, Plaintiff has waived those objections.<sup>1</sup> *See* Fed. R. Civ. P. 33(b)(2) and (4).

Having reviewed Defendant's brief and exhibits, along with the arguments presented during the telephonic conference, Defendant's motion is **GRANTED**. (DE 11.) Accordingly, and pursuant to the representations, it is **ORDERED** that **ON OR BEFORE TUESDAY, DECEMBER 22, 2015 AT 5:00 P.M.** Plaintiff shall: 1) serve his formal responses to Defendant's requests for production of documents along with whatever documents have yet to be produced; and, 2) supplement and provide complete, sworn responses to Defendant's interrogatories in compliance with the Federal Rule of Civil Procedure, Plaintiff's objections having been waived.

**IT IS SO ORDERED.**

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<sup>1</sup> Although the parties did not raise it as an issue, Plaintiff has also waived his objections to Defendant's requests for production of documents pursuant to Federal Rule of Civil Procedure 34.

Dated: December 23, 2015

s/Anthony P. Patti

Anthony P. Patti

UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of this document was sent to parties of record on December 23, 2015, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the

Honorable Anthony P. Patti